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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,093	01/28/2002	Michael Wayne Brown	AUS920010513US1	5382
43307	7590	01/25/2005		
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,093

Applicant(s)

BROWN ET AL.

Examiner

Ting Zhou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 8 December 2004 have been received and entered. Claims 1-24 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-13, 16-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall, Jr. et al. U.S. Patent 5,805,166 and Torres et al. U.S. Patent 5,550,969.

Referring to claims 1, 9 and 17, Hall, Jr. et al. teach a method, system and program comprising a graphical user interface (Hall, Jr. et al.: column 1, lines 6-10 and column 4, lines 17-35), determining a usage status for at least one resource utilized by a computer system (determining the status of at least one icon associated with resources such as the computer, modem, server, etc., and displaying the associated status line adjacent the icon) (Hall, Jr. et al.: column 5, lines 12-34 and Figures 2A-2B), and responsive to detecting a window displayed within a user interface in association with a particular system element from among a plurality of system elements, adjusting a shading of a preexisting window element within the window to indicate the usage status of the at least one resource as utilized by the particular system element, such that a display area for specifying the usage of the at least one resource avoids utilizing

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additional screen real estate for creating a status indicator (upon detecting the display of a status window on the display screen with a plurality of icons, the color of the segmented status lines can be changed to indicate the usage status of an associated icon; furthermore, as shown in Figure 4A, the segmented status lines are a part of the status window and are displayed adjacent the plurality of icons and frames of the border of the displayed status window screen so that no additional windows need to be displayed to convey this status information; thus, the amount of display area utilized to display status information is reduced) (Hall, Jr. et al.: column 2, lines 20-49, lines 66-67 and column 5, lines 11-64). However, Hall, Jr. et al. fail to explicitly teach the preexisting window element is initially displayed for a purpose other than indicating the usage status. Torres et al. teach an interface that displays status indicators (displaying marker icons indicating the positional status of user selection) (Torres et al.: column 1, lines 53-59 and Figure 3) similar to that of Hall, Jr. et al. In addition, Torres et al. further teach displaying status indicators on a preexisting window element that is initially displayed for a purpose other than indicating usage status (adjusting the shading of a preexisting window element such as the scroll bar by displaying positional indicating marker icons, the scroll bar initially displayed for user navigational purposes) (Torres et al.: column 1, lines 53-59, column 3, lines 38-45 and Figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Hall, Jr. et al. and Torres et al. before him at the time the invention was made, to modify the interface that adjusts the shading of a preexisting window element to indicate the usage of at least one resource taught by Hall, Jr. et al. to include the display of status indicators on a preexisting scroll bar of Torres et al. One would have been motivated to make such a combination in order to allow users to constantly monitor and view the status of changing applications without taking up additional

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screen space and without obstructing and interrupting the user's current view and operation, allowing more information to be viewed and manipulated on the screen.

Referring to claims 2, 10 and 18, Hall, Jr. et al. teach determining the usage status for at least one resource comprising at least one from among a software element, a hardware element and a network element (displaying the color changes in the segmented status lines for icons representing resources such as the computer, modem, server, signal strength, etc.) (column 4, lines 60-67 through column 5, lines 1-11 and column 5, lines 58-62 ; this is further shown in Figures 2A-2B).

Referring to claims 3, 11 and 19, Hall, Jr. et al. teach detecting the window displayed within the user interface in association with a particular system element from among a plurality of system elements, wherein the plurality of system elements comprise at least one from among a software element, a hardware element, and a network element (the user can select a particular segment from among the plurality of status segments displayed on the status window, each of the plurality of status segments can represent components such as the computer, modem, server, etc.) (column 7, lines 38-47, column 9, lines 38-55 and further shown in Figures 2A-2B).

Referring to claims 4, 12 and 20, Hall, Jr. et al. teach detecting the window displayed within the user interface in association with a particular system element from among a plurality of system elements, wherein the window is open within the user interface (the user can select a particular segment from among the plurality of status segment lines shown on the open status window, to display detailed information or icons associated with the particular segment) (column 7, lines 38-47 and column 9, lines 38-54).

Referring to claims 5, 13 and 21, Hall, Jr. et al., as modified, teach detecting the window displayed within the user interface in association with a particular system element from among a plurality of system elements (the user can select a particular segment from among the plurality of status segment lines shown on the status window, to display detailed information or icons associated with the particular segment) (Hall, Jr. et al.: column 7, lines 38-47 and column 9, lines 38-54), wherein the window is minimized within the user interface (the window displaying indicator icons can be minimized) (Torres et al.: column 2, lines 54-64).

Referring to claims 8, 16 and 24, Hall, Jr. et al., as modified, teach adjusting a shading of a preexisting window element (adjusting the color of the segmented status lines, which are preexisting parts of the status window) (Hall, Jr. et al.: column 5, lines 11-30), wherein the preexisting window element comprises at least one from among a title bar, a scroll bar, a frame handle, and a minimized widow icon (displaying positional marker indicators on the window's scroll bar) (Torres et al.: column 1, lines 53-67 and column 3, lines 38-45).

3. Claims 6-7, 14-15 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall, Jr. et al. U.S. Patent 5,805,166 and Torres et al. U.S. Patent 5,550,969, as applied to claims 1, 9 and 17 above, and Bonura et al. U.S. Patent 6,670,970.

Referring to claims 6, 14 and 22, Hall, Jr. et al. and Torres et al. teach all of the limitations as applied to claims 1, 9 and 17 above. Specifically, Hall, Jr. et al. and Torres et al. teach adjusting an image within the window element to indicate usage status (adjusting the color, or gray-scale value of the segmented status lines or flashing the segmented status lines to indicate usage status) (Hall, Jr. et al.: column 5, lines 41-64). However, Hall, Jr. et al. and Torres

et al. fail to explicitly teach adjusting a transparency of a transparent image overlay within the window element to indicate the usage status. Bonura et al. teach an interface that displays preexisting window elements that indicate status (displaying windows on a GUI that indicates whether it has been updated with new information) (Bonura et al.: column 3, lines 40-65) similar to that of Hall, Jr. et al. and Torres et al. In addition, Bonura et al. further teach adjusting a transparency of a transparent image overlay within the window element to indicate the usage status (adjusting the transparency of a floating window to indicate the usage status of the presence/lack of activity, or new information) (Bonura et al.: column 3, lines 40-65 and column 5, line 53 - column 6, line 29). It would have been obvious to one of ordinary skill in the art, having the teachings of Hall, Jr. et al., Torres et al. and Bonura et al. before him at the time the invention was made, to modify the interface displaying status indicators of Hall, Jr. et al. and Torres et al. to include adjusting the transparency of the status indicator taught by Bonura et al. One would have been motivated to make such a combination in order to provide for greater flexibility in the operation of both applications and user interfaces, specifically, providing the benefit of optimizing screen space allowing users to receive and view the maximum amount of feedback information regarding an operation or application and simultaneously allowing users to receive/view and interact with a plurality of information in a windowing interface.

Referring to claims 7, 15 and 23, Hall, Jr. et al. and Torres et al. teach all of the limitations as applied to claims 1, 9 and 17 above. Specifically, Hall, Jr. et al. and Torres et al. teach adjusting an image within the window element to indicate changes in usage status (adjusting the color, or gray-scale value of the segmented status lines or flashing the segmented status lines to indicate usage status) (Hall, Jr. et al.: column 5, lines 41-64). However, Hall, Jr. et

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al. and Torres et al. fail to explicitly teach adjusting a transparent image overlay in a transparent gradient increasing in a particular direction to indicate a change in the usage status. Bonura et al. teach an interface that displays preexisting window elements that indicate status (displaying windows on a GUI that indicates whether it has been updated with new information) (Bonura et al.: column 3, lines 40-65) similar to that of Hall, Jr. et al. and Torres et al. In addition, Bonura et al. further teach adjusting a transparent image overlay in a transparent gradient increasing in a particular direction to indicate a change in the usage status (increasing the transparency of a floating window in steps, i.e. from 20% to 40%, to indicate a change in usage status, i.e. it has been an additional three seconds since new information has been detected) (Bonura et al.: column 3, lines 40-65 and column 5, line 53 - column 6, line 55). It would have been obvious to one of ordinary skill in the art, having the teachings of Hall, Jr. et al., Torres et al. and Bonura et al. before him at the time the invention was made, to modify the interface displaying status indicators of Hall, Jr. et al. and Torres et al. to include adjusting the transparency of the status indicator taught by Bonura et al. One would have been motivated to make such a combination in order to provide for greater flexibility in the operation of both applications and user interfaces, specifically, providing the benefit of optimizing screen space allowing users to receive and view the maximum amount of feedback information regarding an operation or application and simultaneously allowing users to receive/view and interact with a plurality of information in a window interface.

Response to Arguments

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4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

5. With respect to claims 8, 16 and 24, applicants assert that the examiner does not establish the teaching, suggestions, or motivation to combine or modify the teachings of the prior art to produce the claimed invention, and therefore, fails to establish prima facie obviousness. The examiner respectfully disagrees. In response to applicants' argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hall, Jr. et al. teach, in column 5, lines 11-64, a graphical user interface that indicates resource usage via status indicators displayed on a preexisting window element such as status window 30, shown in Figure 2A. Similar to Hall, Jr. et al., Torres et al. also teach a graphical user interface that indicates resource usage, such as CPU usage represented by user selection of an object via displaying indicators on a preexisting window element, such as the scroll bar, as recited in column 1, lines 53-59 and column 3, lines 38-45. Therefore, both Hall, Jr. et al. and Torres et al. teach similar GUIs that both display visual indicators. Furthermore, Hall, Jr. et al. teach, in column 2, lines 23-30, the motivation to provide status information to a user in a manner which makes the status of an item quickly discernable and to reduce the amount of display area utilized to display the status information.

Torres et al.'s teaching of displaying the positional status indicating marker icons on the scroll bar reduces the amount of display area utilized to display the status indicating marker icons since the scroll bar is already a preexisting part of the windowing environment; in addition, Torres et al. specifically recite, in column 5, lines 51-55, the advantage of allowing users to see at a glance the status of user selection, i.e. how many selections have been made, thereby satisfying Hall, Jr. et al.'s objective of making the status of an item quickly discernable and reducing the amount of display area utilized to display the status information. Therefore, one of ordinary skill in the art would have been motivated to combine the teachings of Hall, Jr. et al. and Torres et al. in order to allow users to constantly monitor and view the status of changing applications without taking up additional screen space and without obstructing and interrupting user's current view and operation, allowing more information to be viewed and manipulated on the screen.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

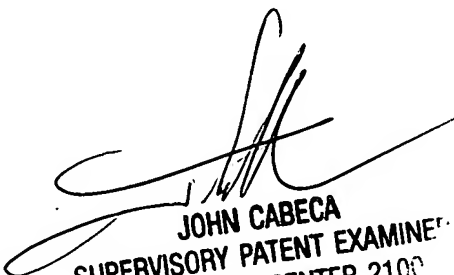
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 January 2005


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100